

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

HELLS CANYON PRESERVATION COUNCIL,)	
)	
Plaintiff,)	Civil No. 00-755-HU
)	
v.)	<u>ORDER</u>
)	
U.S. FOREST SERVICE; ET AL.,)	
)	
Defendants.)	

Brett E. Brownscombe
HELLS CANYON PRESERVATION COUNCIL
P. O. Box 2768
LaGrande, OR 97850

Julia A. Olson
WILD EARTH ADVOCATES
1646 East 19th Avenue, Suite A
Eugene, OR 97403

Attorneys for Plaintiff

Samuel D. Rauch III
ENVIRONMENTAL & NATURAL RESOURCES DIVISION
Ben Franklin Station

P. O. Box 7397
Washington, D.C. 20044-7397

Thomas C. Lee
Assistant United States Attorney, District of Oregon
UNITED STATES ATTORNEY'S OFFICE
1000 S.W. Third Avenue, Suite 600
Portland, OR 97204-2902

Val J. McLam Black
OFFICE OF GENERAL COUNSEL, USDA
1220 S.W. Third Avenue, Suite 1734
Portland, OR 97204

Russell C. Brooks
PACIFIC LEGAL FOUNDATION
10940 N.E. 33rd Place, Suite 109
Bellevue, WA 98004

Scott W. Horngren
HAGLUND KIRTLEY KELLEY & HORNGREN, LLP
101 S.W. Main Street, Suite 1800
Portland, OR 97204

Attorneys for Defendants

JONES, Judge:

Magistrate Judge Dennis James Hubel filed Findings and Recommendation (#248) on February 11, 2003, in the above entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Plaintiff and defendants have timely filed objections. I have, therefore, given de novo review of Magistrate Judge Hubel's rulings.

I find no error. Accordingly, I ADOPT Magistrate Judge Hubel's Findings and Recommendation (#248) dated February 11, 2003, in its entirety. Plaintiff's cross-motion (#177) for summary judgment is granted as to its National Environmental Policy Act (NEPA) claim and denied as moot as to its claim under the Hells Canyon National Recreation Area Act ("the Act"); that the U.S. Forest Service's cross-motion (#190) for summary judgment is denied as to plaintiff's NEPA claim and denied as moot as to plaintiff's claim under the Act; and the U.S. Forest Service's motion (#214) to strike plaintiff's expert witness declarations is denied as moot.

The matter is remanded to the U.S. Forest Service for further proceedings in compliance with NEPA.

IT IS SO ORDERED.

DATED this 13th day of May, 2003.

/s/ Robert E. Jones
ROBERT E. JONES
United States District Judge